

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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KRISTA HUDSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:10-cv-300
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

(Docs. 11, 15 & 17)

This matter came before the court for a review of the Magistrate Judge's November 2, 2011 Report and Recommendation (R & R) in the above-captioned matter (Doc. 17). Neither party has objected to the R & R, and the deadline for doing so has expired.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir. 1999). The district judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); *accord Cullen*, 194 F.3d at 405. A district judge, however, is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See*

Campbell v. United States Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879 (1974).

In his twenty-two page R & R, the Magistrate Judge reviewed the factual record and the competing motions and determined that Administrative Law Judge (“ALJ”) Dory Sutker erred in adjudicating Krista Hudson’s claim for disability insurance benefits. As noted, neither party has objected to the R & R. The court thus ADOPTS the R & R as the Opinion and Order of this court.

For the foregoing reasons, the court hereby GRANTS Ms. Hudson’s motion to remand and reverse (Doc. 11), DENIES the Commissioner’s motion for an order affirming the ALJ’s decision (Doc. 15) and REMANDS this case for proceedings consistent with this Opinion and Order.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 30th day of November, 2011.

A handwritten signature in black ink, appearing to read 'Christina Reiss', written over a horizontal line.

Christina Reiss, Chief Judge
United States District Court